IN THE HIGH COURT OF UTTARTANCHAL
AT NAINITAL

Criminal Misc. Application No. 600/2005

Parmanand Deval s/ o Ganga Saran Deval
R/o P-6Awas Vikas Colony
Khatima District U.S. Nagar Applicant.

Versus

1 State of Uttaranchal
2 Superintendent of Police , U.S. Nagar
3 SHO of P.S. Khatima ,District U.S. Nagar. ..Respondent

Hon'ble B.C. Kandpal, J

By way of this petition the relief has been sought by the petitioner for quashing the impugned order dated 5.8.2005, Annexure 6 to this petition passed by Judicial Magistrate, Khatima

Brief facts giving rise to this petition is that the petitioner Parmanand moved application before the court below stating therein that he is the owner of three shops in question and he let out these shops to one M. Mohan on rent of Rs.4500/ per month.

The tenant had opened a company in those shops and one day without giving any notice to any one he left the shops. Thereafter the Police ceased those shops.

The petitioner, thereafter, by way of this petition has requested that the police be given direction to un-lock the shops and release the same in his favour.

The learned court below vide the impugned order dismissed the application.

Feeling aggrieved by that order this petition has been preferred for quashing the impugned order.

Heard Sh.Vivek Shukla holding brief of Shri T.Nainwal learned counsel for the petitioner.

The relief which has been claimed by the petitioner by way of this petition does not fall within the purview of the provision of Section 482 Cr..P.C.

I do not find any flagrant injustice caused to the petiti0oner as well as any abuse of process of court. The petitioner has got other alternative remedy available to him and he can seek his redressal by way of other remedies but the provision of Section 482 Cr.P.C is not meant for this purpose. The petitioner is not permitted to take short cut for seeking his redress by way of filing this petition.

I do not find any ground to set aside the impugned order passed by the court below.

The petition lacks merit and is liable to be dismissed in limine. Accordingly the petition is dismissed.

(B.C. Kandpal, J.)

9.9.2005
NBJ